

REMARKS/ARGUMENTS

Claims 51-54, 57-72 are pending. Claims 51, 57 and 58 are currently amended. Claims 60-71 are withdrawn. Claims 1-50, 55 and 56 are canceled. New claim 72 is presented for the Examiner's consideration.

Claim Rejections – 35 USC 112 First Paragraph

The Examiner rejected claims 45-55, 58 and 59 under 35 USC 112, first paragraph, on the basis that although the specification is enabling for an in vitro method of inhibiting SARS-CoV infection, the specification does not reasonably provide enablement for an in vivo treatment in light of cited references Stockman et al. and Tai.

In order to expedite prosecution, and without agreeing with the Examiner's position, the claims are currently amended to delete reference to an in vivo method. In particular, claims 45-50 and 55, directed specifically to in vivo methods, are canceled without prejudice. Claim 51 (from which claims 52-54, 58 and 59 ultimately depend) has been amended to incorporate the feature of former claim 56 and now specifies that the method of inhibiting a SARS-coronavirus infection is an in vitro method; claim 56 is accordingly canceled. Applicant expressly reserves the right to file a divisional application directed to the subject matter of the canceled claims.

In light of these amendments, the claims as currently amended are directed to in vitro methods only, which methods the Examiner found to be enabled by the specification. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC 112 Second Paragraph

The Examiner rejected claim 57 under 35 USC 112, second paragraph, as indefinite due to inclusion of the term “VERO 6”. Claim 57 as amended refers to VERO E6 cells, as suggested by the Examiner. Support for this amendment is found at least at paragraph [0050] of the specification as originally filed. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC 102(e)

The Examiner rejected claims 45-55, 58 and 59 under 35 USC 102(e) as anticipated by US 2005/0002901 (Blatt), on the basis that the Blatt reference discloses treatment of SARS using interferons, including in combination with ribavirin.

Claims 45-50 and 55 are canceled without prejudice, as stated above. Claim 51 is now directed to an in vitro method of inhibition of SARS coronavirus with an interferon, incorporating the feature of former claim 56, which claim the Examiner did not reject as anticipated by the Blatt reference. Claims 58 (currently amended) and 59 depend from claim 51 and thus also incorporate this feature. New claim 72 also specifies an in vitro method.

In light of the foregoing, Applicant submits that claims as amended are not anticipated by the Blatt reference and respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC 103(a)

The Examiner rejected claims 56 and 57 under 35 USC 103(a) as unpatentable over Blatt in view of cited references Al-Jabri et al. and Drosten et al.

Applicant respectfully disagrees that the claims as amended are obvious having regard to the cited references, for at least the following reasons.

The feature of former claim 56 is now found in claim 51 and claim 57 depends directly from claim 51.

The Examiner rejected claims 45-55, 58 and 59 in the present application as they pertain to in vivo methods on the basis that in the absence of working examples to such methods, the state of the art gives reason to believe that interferons have little or no clinical effect on SARS. Applicant points out that the Blatt reference contains no working examples whatsoever, and is merely prophetic. The cited references of Al-Jabri et al. and Drosten et al. do not compensate for the deficiency of Blatt in this regard.

Thus, given the Examiner's position that in the absence of working examples to in vivo methods to treat SARS a skilled person would have no reason to believe that interferons would have any clinical effect for treating patients, Applicant respectfully submits that the Blatt reference cannot be used to render the present claims obvious.

That is, according to the Examiner, a skilled person having regard to Stockman et al. and Tai, even when then presented with the prophetic disclosure of Blatt, would have reason to expect that interferon treatment would not inhibit SARS infection and would have no reason to bridge the gap to arrive at the presently claimed in vitro method of inhibiting SARS coronavirus infection. The Examiner's opinion instead supports the

argument that a skilled person would reject any disclosure of Blatt, based on the lack of any working examples and the Examiner's description of the state of the art (as represented by the Examiner's reading of Stockman et al. and Tai).

Applicant submits that the Examiner has therefore not made a prima facie case that a skilled person would reasonably expect combination of Blatt with Al-Jabri et al. and Drosten et al. to yield predictable results relating to the present in vitro methods. To the contrary, the Examiner's opinion regarding the state of the art (as reviewed in Stockman et al. and Tai in combination with the lack of working examples in Blatt) supports the position that a teaching, suggestion, or motivation in the art would have led one of ordinary skill not to modify the Blatt art reference or to combine Blatt, Al-Jabri et al. and Drosten et al. and not to arrive at the presently claimed in vitro methods.

For at least the above reasons, Applicant respectfully requests withdrawal of the rejection under 35 USC 103(e).

Remaining Claim Amendments

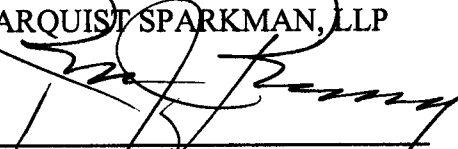
Claims 57 and 58 are amended to depend from claim 51 as amended. Support for these amendments is found in former claim 56 and in claims 20 and 21 of the application as originally filed in the international phase.

New claim 72 is presented for the Examiner's consideration. This new independent claim incorporates the features of claims 51, 52, 56 (now canceled) and 57-59.

Summary

Applicant respectfully submits that the claims as amended, directed to in vitro methods of inhibiting SARS coronavirus infection, are fully enabled and are novel and inventive over the cited references.

In view of the foregoing, Applicant respectfully requests entry of these amendments, favorable reconsideration and allowance of this application. It is believed that no new matter has been added by these amendments.

Respectfully submitted,
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